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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN ARMSTRONG, et al.,

Plaintiffs,

v.

GAVIN NEWSOM, et al.,

Defendants.

Case No. C94 2307 CW

~~PROPOSED~~ STIPULATED ORDER
CONFIRMING UNDISPUTED
ATTORNEYS' FEES AND COSTS
FOR THE THIRD QUARTER OF 2019

Judge: Hon. Claudia Wilken

Case No. C94 2307 CW

~~PROPOSED~~ STIPULATED ORDER CONFIRMING UNDISPUTED ATTORNEYS' FEES AND COSTS FOR THE
THIRD QUARTER 2019

1 On March 26, 1997, the District Court established procedures by which Plaintiffs
2 are to collect periodic attorneys' fees and costs in this case in connection with their work
3 monitoring Defendants' compliance with the Court's Orders and collecting fees.

4 Pursuant to these procedures, on October 30, 2019, Plaintiffs served on Defendants
5 their Third Quarterly Statement for 2019 by overnight delivery. The parties completed
6 their meet-and-confer process on December 5, 2019 as to the fees and costs incurred on all
7 matters.

8 As a result of the December 5, 2019 agreement, the parties agree to the following:

9 The parties agree to the payment of \$1,428,689.64 to resolve all fees and costs
10 incurred during the Third Quarter of 2019, for monitoring and/or litigation activities in the
11 California Department of Corrections of Rehabilitation Division of Adult Operations and
12 Adult Programs (CDCR AOAP) portion of the case. Attached hereto as **Exhibit A** are
13 charts setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by
14 the parties to settle these claims.

15 The parties agree to the payment of \$119,379.36 to resolve all fees and costs
16 incurred during the Third Quarter of 2019, for monitoring and/or litigation activities in the
17 Board of Parole Hearings (BPH) portion of the case. Attached hereto as **Exhibit B** are
18 charts setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by
19 the parties to settle these claims.

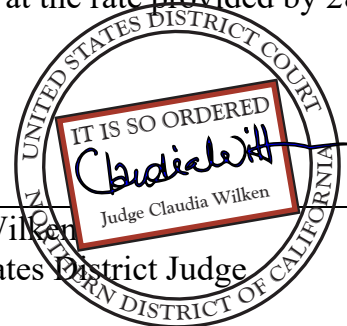
20 The parties agree to the payment of \$333,419.02 to resolve all fees and costs
21 incurred during the Third Quarter of 2019, for monitoring and/or litigation activities in the
22 Division of Adult Parole Operations (DAPO) portion of the case. Attached hereto as
23 **Exhibit C** are charts setting forth the fees and costs claimed by Plaintiffs and the amounts
24 agreed to by the parties to settle these claims.

25 The parties agree to the payment of \$15,989.00 to resolve all fees and costs incurred
26 during the Third Quarter of 2019, for fees work. Attached hereto as **Exhibit D** are charts
27 setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by the
28 parties to settle these claims.

1 IT IS HEREBY ORDERED that the amounts set forth above are due and
2 collectable as of forty-five days from the date of entry of this Order. Interest on these fees
3 and costs will run from December 2, 2019, accruing at the rate provided by 28 U.S.C.
4 § 1961.

5
6 DATED: January 2, 2020

7 Claudia Wilken
8 United States District Judge



9 APPROVED AS TO FORM:

10
11 DATED: December 17, 2019

/s/Joanna Hood

12 Joanna B. Hood
13 Deputy Attorney General
14 Attorney for Defendants

15
16 DATED: December 16, 2019

/s/Gay Crosthwait Grunfeld

17 Gay Crosthwait Grunfeld
18 Rosen Bien Galvan & Grunfeld LLP
19 Attorney for Plaintiffs
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EXHIBIT A

Armstrong v. Brown
Third Quarterly Statement of 2019
July 1, 2019 through September 30, 2019

CDCR/AOAP SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COSTS</u>
CDCR/AOAP MONITORING	\$1,410,643.36	\$18,046.29
	TOTAL UNDISPUTED:	\$1,428,689.64

Armstrong v. Brown

Third Quarterly Statement of 2019

July 1, 2019 through September 30, 2019

Matter: CDCR/AOAP Monitoring/Merits**Monitoring (581-3)**

	Actual	Claimed	2019		Fees Now Owing
	Hours	Hours	Rates	Total	Based on Negotiated Compromise
<u>ROSEN, BIEN, GALVAN & GRUNFELD</u>					
Sanford Jay Rosen (SJR)	0.50	0.00	\$1,050	\$0.00	\$0.00
Michael W. Bien (MWB)	6.00	5.90	\$1,000	\$5,900.00	\$5,723.00
Gay C. Grunfeld (GCG)	35.20	35.00	\$860	\$30,100.00	\$29,197.00
Ernest Galvan (EG)	0.3	0	\$800	\$0.00	\$0.00
Penny Godbold (PG)	144.20	143.80	\$700	\$100,660.00	\$97,640.20
Thomas Nolan (TN)	152.00	151.70	\$725	\$109,982.50	\$106,683.03
Lisa Ellis (LAE)	0.20	0.00	\$700	\$0.00	\$0.00
Van Swearingen (VS)	0.40	0.00	\$640	\$0.00	\$0.00
Michael L. Freedman (MLF)	175.40	170.60	\$610	\$104,066.00	\$100,944.02
Ben Bien-Kahn (BBK)	187.50	174.50	\$585	\$102,082.50	\$99,020.03
Jenny Yelin (JY)	6.60	6.20	\$540	\$3,348.00	\$3,247.56
Caroline E. Jackson (CEJ)	89.40	85.70	\$525	\$44,992.50	\$43,642.73
Michael S. Nunez (MSN)	0.90	0.00	\$525	\$0.00	\$0.00
Hugo D. Cabrera (HDC)	32.30	31.80	\$440	\$13,992.00	\$13,572.24
Karen Stilber (KES)	117.80	113.80	\$350	\$39,830.00	\$38,635.10
Greg Gonzalez (GZG)	29.80	29.60	\$290	\$8,584.00	\$8,326.48
Benjaim Hattem (BH)	0.90	0.00	\$275	\$0.00	\$0.00
Fely F. Villadelgado (FFV)	1.00	0.00	\$275	\$0.00	\$0.00
Dylan Verner-Crist (DVC)	109.70	102.00	\$250	\$25,500.00	\$24,735.00
Marcus V. Levy (MVL)	0.90	0.00	\$250	\$0.00	\$0.00
Nathalie Welch (NW)	25.20	0.00	\$250	\$0.00	\$0.00
Adiba Khan (AK)	6.60	0.00	\$225	\$0.00	\$0.00
Jack Gleiberman (JG)	344.60	324.20	\$225	\$72,945.00	\$70,756.65
Ellinor Heywood (EH)	300.70	270.40	\$225	\$60,840.00	\$59,014.80
Heather Gans (HG)	172.10	142.60	\$225	\$32,085.00	\$31,122.45
Total Hours:	1,939.70	1,787.80		\$754,907.50	\$732,260.28
RBGG FEES:					
<u>PRISON LAW OFFICE</u>					
Donald Specter (DS)	29.00	29.00	\$995	\$28,855.00	\$27,989.35
Sara Norman (SN)	2.40	2.40	\$805	\$1,932.00	\$1,874.04
Rita Lomio (RL)	187.80	187.80	\$625	\$117,375.00	\$113,853.75
Thomas Nosewicz (TMN)	131.30	131.30	\$600	\$78,780.00	\$76,416.60
Margot Mendelson (MM)	142.80	142.80	\$560	\$79,968.00	\$77,568.96
Shira Tevah (ST)	105.90	105.90	\$400	\$42,360.00	\$41,089.20
Camille Woods (CW)	153.80	153.80	\$350	\$53,830.00	\$52,215.10
Patrick Booth (PB)	2.20	2.20	\$350	\$770.00	\$746.90
Amber Norris (AN)	118.80	118.80	\$335	\$39,798.00	\$38,604.06
Megan Lynch (ML)	226.20	226.20	\$335	\$75,777.00	\$73,503.69
Tania Amarillas (TA)	193.90	193.90	\$300	\$58,170.00	\$56,424.90
Alayna O'Bryan	61.60	61.60	\$275	\$16,940.00	\$16,431.80
Andrea Fenster (AF)	65.20	65.20	\$275	\$17,930.00	\$17,392.10
Cass Cole (CC)	4.60	4.60	\$275	\$1,265.00	\$1,227.05
Chelsea Rinnig (CR)	35.90	35.90	\$275	\$9,872.50	\$9,576.33
Elizabeth Crivaro (EC)	26.00	26.00	\$275	\$7,150.00	\$6,935.50
Skye Lovett (SL)	66.90	66.90	\$275	\$18,397.50	\$17,845.58
Gabriela Pelsinger (GP)	63.00	63.00	\$275	\$17,325.00	\$16,805.25
Ilian Meza Pena (IP)	45.00	45.00	\$275	\$12,375.00	\$12,003.75
Juliette Mueller (JM)	51.20	51.20	\$275	\$14,080.00	\$13,657.60
Michael Brodheim (MB)	10.50	10.50	\$275	\$2,887.50	\$2,800.88
Molly Rothschild (MR)	7.3	7.30	\$275	\$2,007.50	\$1,947.28
Total Hours:	1,731.30	1,731.30		\$697,845.00	\$676,909.65
PLO FEES:					
<u>DISABILITY RIGHTS EDUCATION AND DEFENSE FUND</u>					
Linda Kilb (LK)	1.4	1.4	\$860	\$1,204.00	\$1,167.88
Case Clerk	1.80	1.80	\$175	\$315.00	\$305.55
Total Hours:	1.80	1.80		\$1,519.00	\$1,473.43
DREDF FEES:					
TOTAL CDCR/AOAP MONITORING FEES:				\$1,454,271.50	\$1,410,643.36

Armstrong v. Brown

Third Quarterly Statement of 2019
 July 1, 2019 through September 30, 2019

Costs***Matter: CDCR/AOAP Merits/Monitoring***

<u>Rosen, Bien, Galvan & Grunfeld (581-3)</u>	Costs	Costs Now Owing
		<u>Based on Negotiated Compromise</u>
Photocopying (In house)	\$1,194.80	\$1,158.96
Photocopying/printing (Outside)	\$1,144.55	\$1,110.21
Translation/Interpreter Services	\$189.95	\$184.25
Online Research - PACER, Westlaw	\$28.30	\$27.45
Postage & Delivery	\$76.40	\$74.11
Telephone	\$41.15	\$39.92
Travel - Mileage, Tolls, Food	\$4,185.75	\$4,060.18
Total RBGG Costs:	\$6,860.90	\$6,655.07
<u>Prison Law Office</u>		
Photocopying (In house)	\$231.40	\$224.46
Interpreting/Translation services	\$1,329.13	\$1,289.26
Videoconferencing service (for deaf class members)	\$16.65	\$16.15
Travel - Mileage, Tolls, Food	\$8,575.59	\$8,318.32
Postage & Delivery	\$1,522.15	\$1,476.49
Total PLO Costs:	\$11,674.92	\$11,324.67
<u>Disability Rights Education & Defense Fund, Inc.</u>		
Photocopying (in-house)	\$55.00	\$53.35
Postage & Delivery	\$13.60	\$13.19
Total DREDF Costs:	\$68.60	\$66.54
TOTAL CDCR/AOAP MERITS/MONITORING COSTS:	\$18,604.42	\$18,046.29

EXHIBIT B

Armstrong v. Brown
Third Quarterly Statement of 2019
July 1, 2019 through September 30, 2019

BPH SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COSTS</u>
BPH	\$117,726.96	\$1,652.40
	TOTAL UNDISPUTED:	\$119,379.36

Armstrong v. Brown

Third Quarterly Statement of 2019
 July 1, 2019 through September 30, 2019

Matter: BPH**BPH (581-4)**

**Fees Now Owing
 Based on Negotiated
 Compromise**

BPH MONITORING (581-4)**ROSEN, BIEN, GALVAN & GRUNFELD**

	<u>Actual</u> <u>Hours</u>	<u>Claimed</u> <u>Hours</u>	<u>2019</u> <u>Rates</u>	<u>Total</u>	
Michael W. Bien (MWB)	7.20	7.20	\$1,000	\$7,200.00	\$6,984.00
Gay C. Grunfeld (GCG)	19.2	19.1	\$860	\$16,426.00	\$15,933.22
Thomas Nolan (TN)	32.50	32.50	\$725	\$23,562.50	\$22,855.63
Penny Godbold (PG)	0.50	0.00	\$700	\$0.00	\$0.00
Caroline E. Jackson (CEJ)	4.80	4.80	\$525	\$2,520.00	\$2,444.40
Benjamin Bien-Kahn (BBK)	0.70	0.00	\$585	\$0.00	\$0.00
Jenny S. Yelin (JY)	0.10	0.00	\$540	\$0.00	\$0.00
Hugo D. Cabrera (HDC)	28.20	24.60	\$440	\$10,824.00	\$10,499.28
Karen Stilber (KES)	1.70	0.00	\$350	\$0.00	\$0.00
Dylan Verner-Crist (DVC)	19.10	14.30	\$250	\$3,575.00	\$3,467.75
Emma Cook (EC)	1.20	0.00	\$225	\$0.00	\$0.00
Jack Gleiberman (JG)	3.00	0.00	\$225	\$0.00	\$0.00
Heather Gans (HG)	6.20	0.00	\$225	\$0.00	\$0.00
Total Hours:	124.40	102.50			

RBGG FEES:**\$64,107.50****\$62,184.28****PRISON LAW OFFICE**

Donald Specter (DS)	0.7	0.7	\$995	\$696.50	\$675.61
Sara Norman (SN)	15.20	15.20	\$805	\$12,236.00	\$11,868.92
Rita Lomio (RL)	31.40	31.40	\$625	\$19,625.00	\$19,036.25
Rana Anabtawi (RA)	41.60	41.60	\$560	\$23,296.00	\$22,597.12
Amber Norris (AN)	4.2	4.2	\$335	\$1,407.00	\$1,364.79

Total Hours:**88.90****88.90****PLO FEES:****\$57,260.50****\$55,542.69**

**TOTAL FEES FOR
 BPH WORK:**

\$121,368.00**\$117,726.96**

Armstrong v. Brown

Third Quarterly Statement of 2019
 July 1, 2019 through September 30, 2019

Costs***Matter: BPH***

<u>Rosen, Bien, Galvan & Grunfeld (581-4)</u>	Costs	Costs Now Owing
		<u>Based on Negotiated Compromise</u>
Photocopying (In house)	\$100.60	\$97.58
Telephone	\$0.70	\$0.68
Travel - Mileage, Tolls, Food	\$159.90	\$155.10
Total RBGG Costs:	\$261.20	\$253.36
<u>Prison Law Office</u>		
Travel - Mileage, Tolls, Food	\$918.77	\$891.21
Interpreter (SLI)	\$523.54	\$507.83
Total PLO Costs:	\$1,442.31	\$1,399.04
TOTAL BPH COSTS:	\$1,703.51	\$1,652.40

EXHIBIT C

Armstrong v. Brown
Third Quarterly Statement of 2019
July 1, 2019 through September 30, 2019

DAPO SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COST</u>
DAPO MONITORING	\$321,516.20	\$11,902.82
	TOTAL UNDISPUTED:	\$333,419.02

Armstrong v. Brown

Third Quarterly Statement of 2019

July 1, 2019 through September 30, 2019

Matter: DAPO Monitoring**DAPO Monitoring (581-9)**

	Actual	Claimed	2019		Fees Now Owing Based on Negotiated Compromise
	<u>Hours</u>	<u>Hours</u>	<u>Rates</u>	<u>Total</u>	
<u>ROSEN, BIEN, GALVAN & GRUNFELD</u>					
Michael W. Bien (MWB)	5.70	5.70	\$1,000	\$5,700.00	\$5,529.00
Gay C. Grunfeld (GCG)	46.00	46.00	\$860	\$39,560.00	\$38,373.20
Ernest Galvan (EG)	1.80	0.00	\$800	\$0.00	\$0.00
Penny Godbold (PG)	9.40	9.40	\$700	\$6,580.00	\$6,382.60
Thomas Nolan (TN)	44.50	39.70	\$725	\$28,782.50	\$27,919.03
Michael L. Freedman (MLF)	80.70	79.20	\$610	\$48,312.00	\$46,862.64
Benjamin Bien-Kahn (BBK)	45.30	41.40	\$585	\$24,219.00	\$23,492.43
Kara J. Janssen (KJJ)	2.60	0.00	\$540	\$0.00	\$0.00
Jenny S. Yelin (JSY)	48.80	48.50	\$540	\$26,190.00	\$25,404.30
Caroline E. Jackson	40.50	39.00	\$525	\$20,475.00	\$19,860.75
Hugo D. Cabrera (HDC)	137.10	134.60	\$440	\$59,224.00	\$57,447.28
Karen Stilber (KES)	82.10	81.70	\$350	\$28,595.00	\$27,737.15
Benjamin Hattem (BH)	14.10	0.00	\$275	\$0.00	\$0.00
Dylan Verner-Crist (DVC)	2.80	0.00	\$250	\$0.00	\$0.00
Marcus V. Levy (MVL)	0.60	0.00	\$250	\$0.00	\$0.00
Fely Villadelgado (FFV)	1.80	0.00	\$275	\$0.00	\$0.00
Nathalie Welch (NCW)	186.40	134.70	\$250	\$33,675.00	\$32,664.75
Jack Gleiberman (JG)	5.50	0.00	\$225	\$0.00	\$0.00
Heather Gans (HG)	21.10	16.00	\$225	\$3,600.00	\$3,492.00
Ellinor Heywood (EH)	31.60	29.10	\$225	\$6,547.50	\$6,351.08
Total Hours:	808.40	705.00		\$331,460.00	\$321,516.20
RBGG FEES:					
TOTAL FOR DAPO MONITORING WORK:				\$331,460.00	\$321,516.20

Armstrong v. Brown

Third Quarterly Statement of 2019
 July 1, 2019 through September 30, 2019

Costs***Matter: DAPO Monitoring***

<u>Rosen, Bien, Galvan & Grunfeld (581-9)</u>	Costs	Costs Now Owing
		<u>Based on Negotiated Compromise</u>
Photocopying (in-house)	\$843.20	\$817.90
Photocopying (outside)	\$2,406.60	\$2,334.40
Expert services	\$3,900.00	\$3,783.00
Transcription / Translation	\$190.00	\$184.30
Westlaw and PACER	\$494.55	\$479.71
Postage	\$339.93	\$329.73
Long distance and videophone charges	\$7.95	\$7.71
Travel - Mileage, Tolls, Food	\$4,088.72	\$3,966.06
Total RBGG Costs:	\$12,270.95	\$11,902.82
TOTAL DAPO MONITORING COSTS:	\$12,270.95	\$11,902.82

EXHIBIT D

Armstrong v. Brown
Third Quarterly Statement of 2019
July 1, 2019 through September 30, 2019

SUMMARY OF UNDISPUTED FEES WORK AND COSTS

	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COSTS</u>
FEES WORK (ALL MATTERS)	\$15,811.97	\$177.03
TOTAL UNDISPUTED:		\$15,989.00

Armstrong v. Brown

Third Quarterly Statement of 2019
 July 1, 2019 through September 30, 2019

Matter: All Matters Fees Work

<u>Fees (581-2)</u>	Actual	Claimed	2019		Fees Now Owing
	Hours	Hours	Rates	Total	Based on Negotiated Compromise
<u>ROSEN, BIEN, GALVAN & GRUNFELD</u>					
Gay C. Grunfeld (GCG)	9.00	8.80	\$860	\$7,568.00	\$7,340.96
Karen E. Stilber (KES)	11.10	11.10	\$350	\$3,885.00	\$3,768.45
Total Hours:	20.10	19.90			
RBGG FEES:				\$11,453.00	\$11,109.41
<u>PRISON LAW OFFICE</u>					
Rita Lomio	3.20	3.20	\$625	\$2,000.00	\$1,940.00
Margot Mendelson (MKM)	2.60	2.60	\$560	\$1,456.00	\$1,412.32
Ashley Kirby (AK)	5.40	5.40	\$210	\$1,134.00	\$1,099.98
Total Hours:	11.20	11.20			
PLO FEES:				\$4,590.00	\$4,452.30
<u>DISABILITY RIGHTS EDUCATION AND DEFENSE FUND</u>					
Linda Kilb (LDK)	0.30	0.30	\$860	\$258.00	\$250.26
Total Hours:	0.30	0.30			
DREDF FEES:				\$258.00	\$250.26
TOTAL FEES FOR ARMSTRONG FEES WORK:				\$16,301.00	\$15,811.97

Armstrong v. Brown

Third Quarterly Statement of 2019
 July 1, 2019 through September 30, 2019

Costs***Matter: Fees Work in All Matters*****Rosen, Bien, Galvan & Grunfeld (581-2)**

Costs	Costs Now Owing	
	<u>Based on Negotiated</u>	<u>Compromise</u>
Photocopying and Printing (in-house)	\$157.60	\$152.87
Postage & Delivery	\$21.70	\$21.05
Total RBGG Costs:	\$179.30	\$173.92

Disability Rights Education & Defense Fund, Inc.

Photocopying (in-house)	\$3.20	\$3.10
Total DREDF Costs:	\$3.20	\$3.10

TOTAL FEES WORK COSTS : \$182.50 \$177.03